

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on February 17, 2005 at 7:30 A.M., in Room 422 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Duane Grimes (R)  
Sen. Dave Lewis (R)  
Sen. Glenn Roush (D)  
Sen. Frank Smith (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

##### **Members Excused:**

Sen. Jon Tester (D)

##### **Members Absent:** None.

**Staff Present:** Annie Glover, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 481, 2/14/2005; SB 12,  
2/14/2005; SB 466, 2/14/2005; SB  
434, 2/14/2005; SB 444, 2/14/2005  
Executive Action: SB 412, SB 439, SB 388, SB 466, SB  
434, SB 349, SB 12

00:00:00

EXECUTIVE ACTION ON SB 412

Motion: SEN. SQUIRES moved that SB 412 DO PASS.

Discussion:

Motion: SEN. COCCHIARELLA moved that SB 412 BE AMENDED WITH SB041201.APM.

Discussion:

[EXHIBIT](#)(bus39a01)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. SQUIRES moved that SB 412 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried 9-2 by roll call vote with SEN. BALYEAT and SEN. STEINBEISSER voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

00:06:39

EXECUTIVE ACTION ON SB 439

Motion: SEN. GRIMES moved that SB 439 DO PASS.

Motion: SEN. GRIMES moved that SB 439 BE AMENDED WITH SB043901.APM.

Discussion:

[EXHIBIT](#)(bus39a02)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. GRIMES moved that SB 439 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried 6-5 with SEN. BALYEAT, SEN. GRIMES, SEN. LEWIS, SEN. STEINBEISSER, and SEN. TASH voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

00:11:52

EXECUTIVE ACTION ON SB 388

Motion: SEN. TROPILA moved that SB 388 DO PASS.

Discussion:

Motion: SEN. GRIMES moved that SB 388 BE AMENDED WITH SB038801.APM 2,4,5.

Discussion:

EXHIBIT(bus39a03)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. LEWIS moved that SB 388 BE AMENDED WITH SB038801.APM 1,3.

Discussion:

Vote: Motion carried unanimously by voice vote.

Motion: SEN. ROUSH moved that SB 388 BE AMENDED WITH SB038802.APM.

EXHIBIT(bus39a04)

Vote: Motion carried 9-2 by voice vote with SEN. BALLYEAT and SEN. GRIMES voting no.

Motion: SEN. TROPILA moved SB 388 BE AMENDED WITH SB038803.APM.

Discussion:

EXHIBIT(bus39a05)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. TROPILA moved that SB 388 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried 9-2 by voice vote with SEN. BALLYEAT and SEN. STEINBEISSER voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALLYEAT.

00:36:41

**DUAL HEARING ON SB 481 AND SB 12**

**Opening Statement by Sponsors:**

**SEN. VICKI COCCHIARELLA (D), SD 47**, opened the hearing on **SB 481**, Merge occupational diseases into Workers' Compensation Act.

**SEN. JEFF MANGAN (D), SD 12**, opened the hearing on **SB 12**, Revise occupational disease law to reflect court decisions.

**Proponents' Testimony:**

00:48:43           **Ms. Nancy Butler, Montana State Fund**  
00:52:14           **Mr. George Wood, Montana Self Insurers Association**  
00:52:56           **Ms. Jacqueline Lenmark, American Insurance**  
                      **Association, and on behalf of Mr. Larry Jones,**  
                      **Liberty Northwest**  
00:55:05           **Mr. Jed Fitch, Montana Trial Lawyers Association**

**EXHIBIT (bus39a06)**

01:00:09           **Mr. Bob Worthington, Montana Municipal Insurance**  
                      **Authority**  
01:00:54           **Mr. Dick Martin, Attorney**  
01:05:44           **Mr. Shawn Bubb, Director of Insurance Services,**  
                      **Montana School Board System**

**Opponents' Testimony:** None.

**Informational Testimony:**

01:10:18           **Ms. Diana Ferriter, Department of Labor and**  
                      **Industry**

**EXHIBIT (bus39a07)**

**EXHIBIT (bus39a08)**

01:14:40

**Questions from Committee Members and Responses:**

01:32:42

**Closing by Sponsors:**

01:35:40

**HEARING ON SB 466**

**Opening Statement by Sponsor:**

**SEN. JOHN ESP (R), SD 31**, opened the hearing on **SB 466**, Revise mortgage and deed of trust laws.

**Proponents' Testimony:**

01:39:58           **Mr. Robert Sewell, Montana Land Title Association**

01:44:18           **Mr. Glenn Oppel, Montana Association of Realtors**

**EXHIBIT**(bus39a09)

01:45:20           **Ms. Leanne Fenske, Montana Land Title Association**

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

01:49:18

**Closing by Sponsor:**

01:49:51

**HEARING ON SB 434**

**Opening Statement by Sponsor:**

**SEN. DAVE LEWIS (R), SD 42**, opened the hearing on **SB 434**, Revise insurance form filing and approval law.

**Proponents' Testimony:**

01:51:56           **Mr. Frank Cote, America's Health Insurance Plans,  
Blue Cross, Blue Shield**

01:53:20           **Mr. James Senterfitt, New West Health Services**

01:54:00           **Ms. Jacqueline Lenmark, American Insurance  
Association, American Council of Life Insurers**

01:54:24           **Ms. Alicia Pichette, State Auditor's Office**

**EXHIBIT**(bus39a10)

**Opponents' Testimony:** None.

**Informational Testimony:** None.

Questions from Committee Members and Responses: None.

01:55:46

Closing by Sponsor:

01:55:57

EXECUTIVE ACTION ON SB 466

Motion/Vote: SEN. GRIMES moved that SB 466 DO PASS. Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

01:57:23

EXECUTIVE ACTION ON SB 434

Motion/Vote: SEN. TROPILA moved that SB 434 DO PASS. Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

01:58:47

HEARING ON SB 444

Opening Statement by Sponsor:

SEN. FRANK SMITH (D), SD 16, opened the hearing on SB 444, Revise purchase of military service in certain public retirement systems.

Proponents' Testimony:

02:02:46 Mr. Roger Hagan, Montana Air and Army National Guard

02:08:57 Mr. Pat Clinch, Montana State Council of Professional Firefighters

Opponents' Testimony:

02:10:20 Mr. Kelly Jenkins, Public Employees Retirement Board

[EXHIBIT \(bus39a11\)](#)

[EXHIBIT \(bus39a12\)](#)

Informational Testimony: None.

02:20:48

Questions from Committee Members and Responses:

02:35:35

Closing by Sponsor:

02:37:32

EXECUTIVE ACTION ON SB 349

Motion: SEN. GRIMES moved that SB 349 DO PASS.

Motion: SEN. COCCHIARELLA moved that SB 349 BE AMENDED WITH SB034901.APM.

Discussion:

[EXHIBIT](#)(bus39a13)

Ms. Jacqueline Lenmark, American Insurance Association

Vote: Motion carried unanimously by voice vote.

Motion: SEN. ROUSH moved that SB 349 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

02:50:06

EXECUTIVE ACTION ON SB 12

Motion/Vote: SEN. SQUIRES moved that SB 12 BE TABLED. Motion carried 10-1 by voice vote with SEN. TROPILA voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

02:56:28

DISCUSSION ON SB 311

Discussion:

Ms. Jacqueline Lenmark, American Insurance Association

[EXHIBIT](#)(bus39a14)

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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SEN. VICKI COCCHIARELLA, Chairman

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ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

**EXHIBIT ([bus39aad0.PDF](#))**